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Atty. Dkt. No. 040405-0365

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kazunori SHIBASAKI
Title: MOBILE COMMUNICATION
BASE STATION DEVICE AND
QOS CONTROL METHOD AND
PROGRAM THEREOF
Appl. No.: 10/720,193
Filing Date: 11/25/2003
Examiner: Ngo, Ricky Quoc
Art Unit: 2663

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits, and within three (3) months of the mailing date of a foreign office action.

CONCISE EXPLANATION OF RELEVANCE

The documents listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding Japanese application. A partial English translation of the Japanese Office Action of August 16, 2005, follows:

Cited Literature 1 and 2 describe how a base station determines the allowable wired network transport capacity (transport speed) based on the effective transport speed between a wireless terminal and the base station (corresponding to “wireless link state information” in the present invention), and instructs mobile exchanges and packet control nodes on the wired network to transmit data at the determined allowable transport capacity (transport speed) (see Cited Literature 1, Abstract, paragraphs 0030 through 0032, etc., and Cited Literature 2, Abstract, etc.). Employing the well-known ATM network as the wired network in the invention described in Cited Literature 1 and 2, thereby arriving at the arrangement of the inventions according to Claims 1, 4, and 7 of the present application, is a matter which could be easily accomplished by a person skilled in the art.

List of Cited Literature

1. Japanese Unexamined Patent Application Publication 2001-358763
2. Japanese Unexamined Patent Application Publication 2002-171572

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Corresponding U.S. patents/publications and English language abstracts are provided.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present

application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

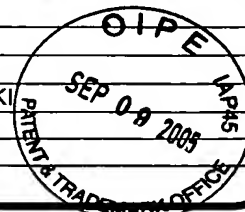
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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: September 7, 2005 <i>(use as many sheets as necessary)</i>				Complete if Known <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/720,193</td> </tr> <tr> <td>Filing Date</td> <td>11/25/2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Kazunori SHIBASAKI</td> </tr> <tr> <td>Group Art Unit</td> <td>2663</td> </tr> <tr> <td>Examiner Name</td> <td>Ngo, Ricky Quoc</td> </tr> <tr> <td>Attorney Docket Number</td> <td>040405-0365</td> </tr> </table>		Application Number	10/720,193	Filing Date	11/25/2003	First Named Inventor	Kazunori SHIBASAKI	Group Art Unit	2663	Examiner Name	Ngo, Ricky Quoc	Attorney Docket Number	040405-0365
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U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	C1	2001-0050909	A1	TAKETSUGU, Masanori	12/13/2001	= C3
	C2	2002-0068588	A1	YOSHIDA et al.	06/06/2002	= C4

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	C3	JP	2001-358763	A	NEC Corporation	12/26/2001	= C1	A
	C4	JP	2002-171572	A	Hitachi Ltd.	06/14/2002	= C2	A

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner Signature	Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.